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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,005	10/12/2000	Shoei Kobayashi	202702US6	7667

22850 7590 02/06/2003

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EXAMINER

CHU, KIM KWOK

ART UNIT

PAPER NUMBER

2653

DATE MAILED: 02/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/689,005

Applicant(s)

KOBAYASHI ET AL.

Examiner

Kim-Kwok CHU

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \*   c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**Claim Rejections - 35 USC § 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless -  
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.*

2. Claims 1-6 are rejected under 35 U.S.C. § 102(e) as being anticipated by Inokuchi et al. (U.S. Patent 6,172,952).

Inokuchi teaches a recording/reproducing apparatus for recording and reproducing data on and from a disk-shaped recording medium having the following elements and means as recited in claims 1-5. For example, Inokuchi teaches the following:

(a) as in claim 1, the recording medium has an address data area having emboss pits and a recording/reproducing area having a wobbling spiral groove (Figs. 2A and 2B);

(b) as in claim 1, a head means 3 for reading address data from the address data area and writing and reading a signal in and from the recording/reproducing area (Fig. 1);

(c) as in claim 1, wobble-signal processing means 4 for extracting a wobble signal from the signal the head means 3 has

read from the recording/reproducing area (Fig. 1);

(d) as in claim 1, holding a PLL circuit 17-21 designed to reproduce a sync signal from the wobble signal, while no normal wobble signal is obtained (Fig. 1; column 12, lines 19-30; column 18, lines 61-67);

(e) as in claim 2, the wobble-signal processing means holds the PLL circuit in accordance with a pulse that switches the operating mode from reproducing mode to recording mode (Fig. 1; column 16, lines 39-41; switching one of the operating mode such as from reproducing mode to recording mode requires an address to be scan/seek);

(f) as in claim 3, the wobble-signal processing means holds the PLL circuit in accordance with a pulse that switches the operating mode from recording mode to reproducing mode (Fig. 1; column 16, lines 39-41; switching one of the operating mode such as from recording mode to reproducing mode requires an address to be scan/seek);

(g) as in claim 4, the wobble-signal processing means 4 holds the PLL circuit 17-21 in accordance with a track-jump pulse 22 that effects a track jump (Fig. 1); and

(h) as in claim 5, the wobble-signal processing means holds the PLL circuit 17-21 in accordance with an address-area pulse while the head means 3 is reading the address data from the address data area (Fig. 1; column 16, lines 39-41).

3. Method claim 6 is drawn to the method of using the corresponding apparatus claimed in claim 1. Therefore method claim 6 correspond to apparatus claim 1 and are rejected for the same reasons of anticipation as used above.

**Prior Art**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shim (6,333,902) is pertinent because Shim teaches a phase lock loop to recover a wobble signal.

Maeda et al. (6,069,870) is pertinent because Maeda teaches an optical disc drive having wobble tracks and a sync signal generator.

Carasso et al. (5,682,365) is pertinent because Carasso teaches an optical disc drive having wobble tracks which are used to generate a clock signal.

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C.  
20231 Or faxed to:

(703) 872-9314 (for formal communications intended for  
entry. Or:

(703) 746-6909, (for informal or draft communications,  
please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park  
II, 2021 Crystal Drive, Arlington. VA., Sixth Floor  
(Receptionist).

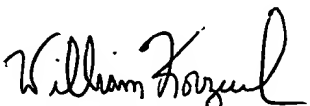
Any inquiry of a general nature or relating to the status of  
this application should be directed to the Group receptionist  
whose telephone number is (703) 305-4700.

Any inquiry concerning this communication or earlier  
communications from the examiner should be directed to Kim CHU  
whose telephone number is (703) 305-3032 between 9:30 am to 6:00  
pm, Monday to Friday.

kc 1/30/03

Kim-Kwok CHU  
Examiner AU2653  
January 30, 2003

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WILLIAM KORZUCH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600